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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
LEON G. TRIVELLI,

Plaintiff,

-against-

ACTING COMMISSIONER OF SOCIAL
SECURITY, *Michael J. Astrue*,

Defendant.

BROOKLYN OFFICE
ORDER

07-CV-4329 (NGG) (CLP)

-----X
NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Leon G. Trivelli ("Trivelli") brings an action under 42 U.S.C. §§ 405(g) and 1383(c) seeking review of the Social Security Administration's ("SSA's") denial of his claim for disability insurance benefits ("DIB") and supplemental security income ("SSI"). (Compl. (Docket Entry # 1).) On July 3, 2008, the court so-ordered a stipulation and remand of proceedings back to the Commissioner. (Docket Entry # 16.)

On July 20, 2009, following a hearing before an Administrative Law Judge, Trivelli was awarded more than \$95,000.00 in retrospective benefits. ("R&R" (Docket Entry # 24) at 2.) The SSA originally withheld \$31,136.75 of that amount to pay Trivelli's attorneys' fees, but eventually disbursed \$23,082.00 to Trivelli's counsel. (*Id.* at 2.) On May 19, 2010, Trivelli's attorneys moved for fees under 42 U.S.C. § 406(b), claiming that they were still entitled to \$8,054.75 for 14.55 hours of work they performed in connection with Trivelli's appeal in this court. (Docket Entry # 19.) On July 21, 2010, the court referred that motion to Magistrate Judge Cheryl L. Pollak for a report and recommendation. (Docket Entry # 23.) On November 15, 2010, Judge Pollak recommended that Trivelli's attorneys be awarded \$6,090.50. (R&R at 8.)

No party has objected to Judge Pollak's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). Having reviewed Judge Pollak's thoroughly reasoned R&R, the court adopts it in its entirety. See, e.g., Brown v. Ebert, No. 05-CV-5579 (DLC), 2006 U.S. Dist. LEXIS 94265, at *6 (S.D.N.Y. Dec. 29, 2006) (where no party objects to a magistrate judge's report and recommendation, review is for "clear error"). Accordingly, the court awards Trivelli's counsel \$6,090.50 in attorneys' fees to be paid by Defendant, pursuant to 42 U.S.C. § 406(b).

SO ORDERED.

Dated: Brooklyn, New York
December 13, 2010

s/Nicholas Garaufis
NICHOLAS G. GARAUFIS
United States District Judge